

Chief Judge Marc Barreca
Chapter 11
Hearing: March 23, 2022 @ 10:00 a.m.
Response Date: March 16, 2022
ZOOMGOV

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF WASHINGTON AT EVERETT

In re:

TIMOTHY DONALD EYMAN,

Debtor.

No. 18-14536-MLB

FINAL APPLICATION FOR
COMPENSATION FOR VORTMAN &
FEINSTEIN FOR APRIL 8, 2020, TO
DECEMBER 17, 2021

NOTICE OF HEARING

PLEASE TAKE NOTICE that an issue of law in this case will be heard on
the date and time below:

Calendar Date: Wednesday, March 23, 2022, at 10:00 a.m.
Response Date: Wednesday, March 16, 2022

This motion will be heard before Chief Judge Marc Barreca in the United States
Bankruptcy via ZoomGov at the above date and time. Unless a creditor or other
party in interest objects and files a response or objection by the response date
above, the Court may enter an order without further notice or hearing.

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NOTES

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TIPS FOR SUCCESS

- Choose a quiet location without distractions.
- Choose an area with good light, but not too much bright light behind you.
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- 1 - Turn off apps that have built-in sounds, minimizing background noise.
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3 and microphone on your device.
4 - If you run into technical issues or have questions, send email
5 to: curtis_udy@wawb.uscourts.gov

6 DATED this 25th day of February, 2022.

7 /s/ Kathryn P. Scordato
8 Larry B. Feinstein, WSBA #6074
9 Kathryn P. Scordato, WSBA #41922
10 Attorney for Debtor

11 **MOTION**

12 COMES NOW Vortman & Feinstein, attorneys for the Debtor, Timothy
13 Eyman, and apply to the Court for an order granting Vortman & Feinstein final
14 attorney's fees and costs of \$23,392.10 for the period from Confirmation (April 8,
15 2020) through Conversion (December 17, 2021), pursuant to Section 330 of the
16 Bankruptcy Code. Vortman & Feinstein is requesting an additional 3.0 hours at
17 \$350 per hour (\$1,050.00), for preparation of this Application for Compensation,
18 Declaration in Support of Final Fees, proposed Order, and attend any hearing
19 necessary thereof. This is Vortman & Feinstein's fourth fee request covering fees
20 incurred while the Debtor was in Chapter 11. Fees incurred by the Debtor post-
21 conversion to Chapter 7 are not included in this request.

22 This bankruptcy proceeding commenced by the filing of a voluntary Chapter
23 11 petition on November 28, 2018 (ECF #1). An order was entered authorizing
24 employment of Vortman & Feinstein as attorneys for the Debtor on February 5,
2019 (ECF #57). In addition to Vortman & Feinstein, accountant David Hawthorne,

Special Counsel Robert McCallum of LeSourd & Patten (Tax), Stephen Pidgeon (Family Law), and Special Counsel Richard Sanders and the Goodstein Law Group, PLLC (Litigation) have been retained by the Estate and remained active throughout the course of this case. Joel Ard's application to be employed as Special Counsel was denied. The following chart lists all fees awarded to the professionals in this case prior to this request:

ECF #	Date	Party	Amount
106	4/22/19	Joel Ard / Ard Law Group	\$51,437.70
118	6/3/19	Larry Feinstein / Vortman & Feinstein	\$34,319.32
167	11/13/19	Robert McCallum / LeSourd & Patten	\$4,095.00
229	2/25/20	Larry Feinstein / Vortman & Feinstein	\$31,493.35
242	3/4/20	Richard Sanders / Goodstein Law Group	\$118,608.52
258	3/30/20	Hawthorne & Co., CPAs	\$7,483.26
269	4/3/20	Robert McCallum / LeSourd & Patten	\$3,342.55
291	6/29/20	Larry Feinstein / Vortman & Feinstein	\$17,277.50
294	6/30/20	Richard Sanders / Goodstein Law Group	\$45,445.29
316	1/19/21	Richard Sanders / Goodstein Law Group	\$218,757.14
347	7/14/21	Richard Sanders / Goodstein Law Group	\$36,505.20
Total			\$568,764.83

Prior to this final fee request, Vortman & Feinstein was awarded a total compensation of \$83,090.17, inclusive of all preconfirmation fees. After application of funds held in trust prior to confirmation and payments under the confirmed Plan of Reorganization, preconfirmation fees and a majority of post-confirmation fees have been paid, leaving the balance requested herein.

In addition to the fees and costs incurred post-confirmation, Vortman & Feinstein is seeking an additional three hours at \$350.00 for preparation of this Application, Declaration in Support of Final Fees, proposed Order and attending any hearing required thereon, bringing the total balance of **\$8,112.50** to be allowed

1 and paid by the Chapter 7 estate as an administrative expense claim herein.

2 The Debtor's Chapter 11 Plan of Reorganization was confirmed on April 8,
3 2020 (ECF #270 and #274). Following confirmation and the initial distributions, the
4 Chapter 11 was administratively closed on July 29, 2020 (ECF #297 and #298).
5 The case was reopened upon the Debtor's Motion on October 2, 2020, for the
6 purpose of selling the Debtor and the Estate's Interest in the marital home to the
7 Debtor's estranged spouse, Karen Eyman (ECF #302).

8 The Debtor, Mrs. Eyman, and the State have still not reached an agreement
9 regarding the sale of the estate's interest in the home. (The Debtor has also filed
10 an appeal of the State Court judgment entered against him and in favor of the State
11 in Thurston County Superior Court Case No. 17-2-01546-34, which is still pending
12 as before Division II of the WA Court of Appeals under Case No. 566532.) To
13 effectuate its position, the State filed a Motion for Relief from Stay (ECF #323) to
14 enforce its judgment lien on the homestead and to void encumbrances (namely
15 previous orders awarding compensation, filed while the case was closed) and for
16 Rule 2004 exams of Mrs. Eyman and her sister, Carol Williams (ECF #324).

17 When Debtors' Counsel was successful in having that Motion denied, the
18 State then filed an adversary proceeding against the Debtor, Vortman & Feinstein,
19 and Goodstein Law Group, PLLC (ECF #344, Adv. Case No. 21-01041). The
20 adversary proceeding is still pending. While the State has been and remains the
21 Debtor's primary creditor, they then took matters a step further by filing an
22 Application for Appointment of a Chapter 11 Trustee and tacking on relief to
23

1 enforcement of the default provisions in the Plan and record its judgment (ECF
2 #370). This was followed a month later with a Motion to convert the case from a
3 Chapter 11 to a Chapter 7 (ECF #392). Multiple hearings were held on these two
4 motions, requiring a significant amount of work researching, drafting, preparing,
5 and arguing.

6 The Debtor's case was converted to Chapter 7 on December 17, 2021 (ECF
7 #408). Virginia Burdette was appointed as the Chapter 7 Trustee (ECF #409). She
8 has retained Schweet Linde and Coulson, PLLC, as her attorneys (ECF #422),
9 and Kary Krismer as her realtor (ECF #437). The Administrative Claims Bar Date
10 is set as March 25, 2022 (ECF #425). The Notice is very clear that there is no
11 guarantee of any payment or if there is a distribution when that payment will be
12 made. The Debtor's Conversion Schedules list assets totaling \$1,670,808 (ECF
13 #427); objections to his exemptions are currently pending (ECF #432 and #438).
14 At the current time, Counsel is unable to ascertain the financial condition of the
15 Chapter 7 bankruptcy estate but is optimistic about the estate's ability to pay the
16 allowed administrative claims.

17 The hourly rate for Mr. Feinstein is \$425.00; the hourly rate for Ms. Scordato
18 is \$350.00, the hourly rate for Ms. Carleton¹ is \$150.00; and the hourly rate for
19 administrative services is \$95.00. Attached to Ms. Scordato's declaration is an
20 itemized billing statement showing the services through from April 8, 2020, through
21 December 17, 2021. All matters undertaken by Vortman & Feinstein were required
22

23 ¹ Vicki Carleton is a contract attorney engaged by the firm on an as needed basis, primarily to handle adversary litigation.

1 to be dealt with to represent the interest of the estate, and for the benefit of the
2 estate.

3 Our time is fully set forth in our billing statements and itemized in detail and
4 attached to Ms. Scordato's Declaration. A *summary* is as follows:

5	A. BR 2004 Exam of Karen Eyman and Carol Williams	1.5 hours
6	B. Administration, including telephone calls and emails with the client, and other general case matters	4.2 hours
7	C. Adversary Proceeding No. 21-01041 – State of WA v. Eyman, V&F, and GLG	11.2 hours
8	D. Previous fee request and Motion for Final Decree (Closing case)	2.7 hours
9	E. Assistance in purging contempt in state court case	1.5 hours
10	F. State's Motion to Appoint Trustee and Motion to Convert from Ch 11 to Chapter 7	11.1 hours
11	G. Negotiations with Karen Eyman regarding dissolution and purchase of estate's interest in the house	12.2 hours
12	H. Preparation and review of the U.S. Trustee monthly and quarterly reports	6.8 hours
13	I. State's Motion for Relief from Stay	8.3 hours
14	J. Finalization of Plan of Reorganization and answering Client's questions regarding implementation	3.0 hours
15	Total Time Billed	65.5 hours
16	Dollar Amount of Time Billed	\$23,262.50
17	Expenses	\$129.60
18	Additional Time for Preparation of this Application	3.0 hours
19	Additional Compensation for Preparation of this Application	\$1,050.00
20	Payments made post-confirmation by Debtor	(\$15,838.65)
21	Voluntary Discount per LBF	(\$490.95)
22	Administrative Expense Claim Against Ch 7 Estate	\$8,112.50

23 WHEREFORE, Vortman & Feinstein requests an award of attorney's fees
24 as an allowed Chapter 11 administrative expense claim of \$8,112.50.

DATED this 25th day of February, 2022.

/s/ Kathryn P. Scordato
Larry B. Feinstein, WSBA #6074
Kathryn P. Scordato, WSBA #41922
Attorney for Debtor